

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 1, 2001**

E027645 People v. Seneca Insurance Company

No change in judgment

Modification of

Opinion

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

Court convened at 8:30am

Panel 1

Present:

Ramirez, P.J.

Hollenhorst, J.

Richli, J.

Kelly Conn, Deputy Clerk

E026791 Prado Petroleum v. Orange County Water District

Merits. Cause called and L. Allan Songstad, Jr., Esq., argued for appellant; Alan J. Droste, Esq., argued for respondent. Cause submitted.

E027384 Danny Miller et al. v. Max Brodie

Merits. Cause called and Lynn A. Whitcher, Esq., argued for appellants; William M. Benjamin, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened at 9:00am

Panel 1a

Present:

Ramirez, P.J.

Hollenhorst, J.

Ward, J.

Kelly Conn, Deputy Clerk

E026809 People v. Tyrone L. Moten

Merits. Cause called and Jeffrey S. Mintz, Esq., argued for appellant; Gil P. Gonzalez, Deputy Attorney General, argued for respondent. Cause submitted.

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E027166 People v. Michael D. Griego

Merits. Cause called and Patrick J. Hennessey, Esq., argued for appellant; Frederick B. Clark, Deputy Attorney General, argued for respondent. Cause submitted.

E027466 People v. Joseph S. Brown

Merits. Cause called and Rebecca P. Jones, Esq., argued for appellant; Gil P. Gonzalez, Deputy Attorney General, argued for respondent. Cause submitted.

E026884 People v. Barbara Lynn Phillips

Merits. Cause called and George L. Schraer, Esq., argued for appellant; Ilana R. Cohen, Deputy Attorney General, argued for respondent. Cause submitted.

E027529 County of Riverside v. Michael S.

Merits. Cause called and Virginia S. Cristie, Esq., argued for appellant; Simon A. Housman, Esq., argued for respondent, Tammie J. Angus; Richard Stout, Deputy District Attorney, argued for respondent, County of Riverside. Cause submitted.

Court recessed.

Court reconvened at 1:30pm

Panel A

Present:

Hollenhorst, Acting P.J.

McKinster, J.

Gaut, J.

Madeline Mozee, Deputy Clerk

E026138 Ray Webb v. Margaret Jackson et al.

Merits. Cause called and Stanley W. Hodge, Esq., argued for appellant; David L. Sanner, Esq., argued for respondents. Cause submitted.

Court recessed.

Court reconvened

Panel 2a

Present:

McKinster, Acting P.J.

Richli, J.

Gaut, J.

Madeline Mozee, Deputy Clerk

E026734 People v. Rafael G. Alvarez

Merits. Cause called and Patrick M. Ford, Esq., argued for appellant; Sabrina Y. Lane-Erwin, Deputy Attorney General, argued for respondent. Cause submitted.

E027068 People v. Michael W. Hughes

Merits. Cause called and John L. Dodd, Esq., argued for appellant; Kristine A. Gutierrez, Deputy Attorney General, argued for respondent. Cause submitted.

E027118 People v. Stafford B. Davis

Merits. Cause called and Beatrice C. Tillman, Esq., argued for appellant; Scott C. Taylor, Deputy Attorney General, argued for respondent. Cause submitted.

E027515 People v. George B. Strong

Merits. Cause called and no appearance made for appellant; Vincent L. Rabago, Deputy Attorney General, argued for respondent. Cause submitted.

E025487 People v. Kerry Martin

Merits. Cause called and David J. Macher, Esq., argued for appellant; Gil P. Gonzalez, Deputy Attorney General, argued for respondent. Cause submitted.

E028212 People v. Riverside Superior Court; William Huffman

Merits. Cause called and Elise J. Farrell, Esq., Deputy District Attorney argued for petitioner; Richard V. Meyers, Deputy Public Defender, argued for real party in interest. Cause submitted.

Court adjourned.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 2, 2001**

Court convened at 8:30am

Panel 3

Present:

Hollenhorst, Acting P.J.

McKinster, J.

Ward, J.

Yolanda Burns, Deputy Clerk

E028509 Fremont Compensation Insurance Co. v. WCAB;

Merits. Cause called and William C. Smail, Esq., argued for petitioner; Todd T. Kelly, Esq., argued for real parties in interest; Brian Unitt, Esq. and Robert Taylor, Esq. argued for amicus. Cause submitted.

E026691 Betty L. Carey v. State of California et al.

Merits. Cause called and Richard M. Elinski, Esq., argued for appellant; Judith R. Seligman, Deputy Attorney General, argued for respondents. Cause submitted.

E027421 Stacey McRae et al. v. Palm Springs USD

Merits. Cause called and Rich Ackerman, Esq., argued for appellants; Garrett Hines, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 3a

Present:

Ramirez, P.J.

Ward, J.

Gaut, J.

Yolanda Burns, Deputy Clerk

E027632 M.G. et al. v. Time Warner, Inc. et al.

Merits. Cause called and Robert C. Vanderet, Esq., argued for appellants; Thomas Abitabile Cifarelli, Esq., argued for respondents. Cause submitted.

114 Court recessed.

Court reconvened.

Panel 3b

Present:

Ramirez, P.J.

Richli, J.

Gaut, J.

Ann Dee Smith, Deputy Clerk

E026270 Jeff Rose v. Tri Valley Tire Outlets, Inc. et al.

Merits. Cause called and Frederick C. Phillips, Esq., argued for appellant; Sarah Winn Yoseloff, Esq., argued for respondent. Cause submitted.

E027170 Wendy Slatkin v. University Of Redlands

Merits. Cause called and Barbara Metzger Kay, Esq., argued for appellant; Stuart D. Tochner, Esq., argued for respondent. Cause submitted.

E027635 Sharlyn Ripka v. Homebase Corporation

Merits. Cause called and Paul W. Ralph, Esq., argued for appellant; Linda S. Bauermeister, Esq., argued for respondent. Cause submitted.

E026626 Melissa Graham v. Bret Graham

Merits. Cause called and Ernest Rey Calhoon, Esq., argued for appellant; no appearance made for respondent. Cause submitted.

E027020 Bruce Yeaton v. Snow Valley Ski Resort

Merits. Cause called and Steven J. Kleinfield, Esq., argued for appellant; Robert J. Gerard, Esq., argued for respondent. Cause submitted.

E026910 Bermuda Dunes Country Club v. Orville Armstrong

Merits. Cause called and Franklin T. Lloyd, Esq., argued for appellant; Richard I. Roemer, Esq., argued for respondent. Cause submitted.

E027483 Richard Lamb v. Interstate Hotels, LLC.

Merits. Cause called and Sal Briguglio, Esq., argued for appellant; Douglas J. Collodel, Esq., argued for respondent. Cause submitted.

E027408 James A. Brown et al. v. Loma Linda Medical Center et al.

Merits. Cause called and Douglas L. Hamilton, Esq., argued for appellants; E. Nathan Schilt, Esq., argued for respondent, Loma Linda University Medical Center; Tom M. Allen, Esq., argued for respondent, Christopher B. Alexander. Cause submitted.

Court adjourned.

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E026484 **People v. Patty L. Elliott-Marquez**

Opinion

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

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Court of Appeal
Fourth District, Division 2
Riverside, California

Minutes
May 3, 2001

E026830 Terry Blankenbaker et al. v. State of California et al.

Opinion

Judgment affirmed in part, reversed in part with directions.

McKinster, Acting P.J.

We concur: Ward, J., Gaut, J.

E026447 Farfura Ranch et al., v. Imperial Irrigation District

Appellant's petition for rehearing denied.

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Court of Appeal
Fourth District, Division 2
Riverside, California

Minutes
May 4, 2001

E025754 People v. Edwin Newsom

Opinion

Judgment affirmed with directions.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

**E027664 Sal Melgoza Trucking et al. v.
Loma Linda University Medical Center et al.**

Opinion

Appeal dismissed.

Richli, J.

I concur: Ramirez, P.J.

I concur: Ward, J.

E026734 People v. Rafael Garcia Alvarez, Jr.

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

CERTIFIED FOR PARTIAL PUBLICATION

**E026626 In re the Marriage of Melissa and Bret Graham
Melissa Graham v. Bret Graham**

Opinion

Judgment reversed with directions.

Gaut, J.

We concur: Ramirez, P.J., Richli, J.

E027515 People v. George B. Strong

Opinion

Judgment affirmed with directions.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

E026910 Bermuda Dunes Country Club v. Orville Armstrong

Opinion

Judgment reversed.

Ramirez, P.J.

We concur: Richli, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 7, 2001**

E025308 People v. James B. Davis

E028864* In re James B. Davis on Habeas Corpus

Submission is vacated and the cause is resubmitted this date.

*Considered with the appeal E025308.

E027068 People v. Michael W. Hughes

Opinion

Judgment affirmed with directions.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

E027118 People v. Stafford B. Davis

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

E027980 People v. Tonya Eugene Chandler

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

E026830 Terry Blankenbaker et al. v. State of California et al.

Opinion

Judgment affirmed in part and reversed in part with directions.

McKinster, Acting P.J.

We concur: Ward, J., Gaut, J.

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Court of Appeal
Fourth District, Division 2
Riverside, California

Minutes
May 8, 2001

E027421 Stacey McRae et al. v. Palm Springs Unified School District

Opinion

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E026884 People v. Barbara Lynn Phillips

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Hollenhorst, J.

E027534 People v. Leeander Tillman, Jr.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., McKinster, J.

E026848 People v. John Matthew Howell

Appellant's petition for rehearing is denied.

E027886 People v. Curtis Lane Cannon

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E027635 Sharlyn Ripka v. Homebase Corporation

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Gaut, J.

E027170 Wendy Slatkin v. University Of Redlands

Opinion

Judgment affirmed.
Richli, J.
We concur: Ramirez, P.J., Gaut, J.
*CERTIFIED FOR PARTIAL PUBLICATION.

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E026270 Jeff Rose v. Tri Valley Tire Outlets, Inc. et al.

Opinion

Judgment affirmed as modified.

Richli, J.

We concur: Ramirez, P.J., Gaut, J.

E026791 Prado Petroleum Co. v. Orange County Water District

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

E026691 Betty L. Carey v. State of California et al.

Opinion

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E027940 People v. Colin E. Wilhelm

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Hollenhorst, J.

E027529 The County of Riverside v. Michael S.; Tammie Jane A.

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Hollenhorst, J.

E026809 People v. Tyrone L. Moten

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 9, 2001**

**E028476 In re Austin P., et al., Persons Coming Under the Juvenile Court Law.
San Bernardino County Department of Children Services v.
Stacy M.**

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Gaut, J.

**E028185 In re Alexzandra J., a Person Coming Under the Juvenile Court Law.
San Bernardino County Department of Children's Services v. Robert
J.**

Judgment affirmed.

Opinion

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

**E028509 Fremont Compensation Insurance Co. v. Workers' Compensation
Appeals**

Board and Gerald Schuman et al.

Opinion

Order annulled.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 10, 2001**

E026651 People v. Rigoberto Alluin et al.

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., McKinster, J.

E026919 People v. Cody Lavon Brown

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 11, 2001**

E026138 Ray Webb v. Margaret Jackson et al.

Opinion

Judgment reversed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Gaut, J.

E025308 People v. James B. Davis

Opinion

Judgment reversed.

E028864* In re James B. Davis on Habeas Corpus

Petition denied.

Hollenhorst, J.

We concur: Ramirez, P.J., McKinster, J.

*Considered with the appeal.

E024908 People v. Robert Avilez Mendez

Appellant's petition for rehearing is denied.

**E028865 In re Ian D., a Person Coming Under the Juvenile Court Law.
Riverside County Department of Public Social Services v.
Tommy D.**

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Ward, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 14, 2001**

E027466 People v. Joseph S. Brown, Jr.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Ward, J.

E028386 John Capuano v. Simon Motors, Inc.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Richli, J.

E027395 People v. James Bobby Davenport, III

Opinion

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

E027224 People v. Leslie Eugene Johnson, Sr.

Opinion

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

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Court of Appeal
Fourth District, Division 2
Riverside, California

Minutes
May 15, 2001

E029060 Rajesh J. Kadakia v. Jack Reihing, etc., et al.

Opinion

Judgment Reversed.

Ramirez, P.J.

We concur: Hollenhorst, J., Richli, J.

E026634 People v. Carlos C. Westine

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

**E028680 In re Ernest M. et al., Persons Coming Under the Juvenile Court Law
Riverside County Department of Public Social Services v.
Ernest M. et al.**

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Richli, J.

E027068 People v. Michael W. Hughes

Order Modifying

Opinion

No change in judgment.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

E027408 James A. Brown et al. v. Loma Linda Medical Center et al.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Richli, J., Gaut, J.

E028212 People v. Riverside Superior Court; William Huffman

Opinion

Petition granted.

Gaut, Acting P.J.
We concur: McKinster, J., Richli, J.

E027483 Richard Lamb v. Interstate Hotels, LLC.

Opinion

Judgment Reversed.

Gaut, J.

We concur: Ramirez, P.J., Richli, J.

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E029043 Kian Bee Tan v. Phillip K. Fife et al.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Richli, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 16, 2001**

E027384 Danny Miller et al. v. Max Brodie

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

E027780 People v. Charles Kenneth Giannini

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., McKinster, J.

E025109 People v. Dana K. Shaw, Jr.

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E027743 People v. Mohammed Abdul Badwan

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., McKinster, J.

E027833 People v. Laurence Thomas Taylor

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., McKinster, J.

E028296 People v. Gary James Stevens

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 17, 2001**

E027166 People v. Michael D. Griego

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Ward, J.

E029045 Asia Entertainment, Inc. v. Quynh Nhu Le

Opinion

Judgment affirmed in part and reversed in part.

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

E026688 People v. Richard T. Cortez

Petition for rehearing denied.

E027908 People v. Duquesne R. Irving

Appellant's petition for rehearing alternative request for publication and request
for stay are denied.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 18, 2001**

E027890 People v. Buddy E. Pollard

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Hollenhorst, J.

E026709 People v. Robert E. Dix

Opinion

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P. J., Ward, J.

**E028519 In re April R., a Person Coming Under the Juvenile Court Law.
Department of Children's Service v. Linda G.**

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 21, 2001**

No minutes for May 21, 2001.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 22, 2001**

No minutes for May 22, 2001.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 23, 2001**

No minutes for May 23, 2001.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 24, 2001**

No minutes for May 24, 2001.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 25, 2001**

E028591 In re Lindsay K. et al., Persons Coming Under the Juvenile Court Law

Department of Children's Services V. Loretta K. et al.

Opinion

Judgment affirmed.

Gaut, J.

We concur: Richli, J., Ward, J.

E029100 Duonetics, Inc. et al. v. Tridus International, Inc.

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

**E027575 In re Ricky C., a Person Coming Under the Juvenile Court Law.
People v. Ricky C.**

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

E027702 People v. Louis Mitchell

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

**E028069 In re Nathaniel S., a Person Coming Under the Juvenile Court Law.
People v. Nathaniel S.**

Opinion

Judgment affirmed with directions.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

E028459 In re Elizabeth A., a Person Coming Under the Juvenile Court Law.

People v. Elizabeth A.

Opinion

Judgment affirmed.

Richli, Acting P. J.

We concur: Ward, J., Gaut, J.

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E025487 People v. Kerry Martin

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 28, 2001**

Holiday.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 29, 2001**

E027810 People v. John C. Hall

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 30, 2001**

**E028234 In re Daniel A., a Person Coming Under the Juvenile Court Law.
 People v. Daniel A.**

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., McKinster, J.

**E028379 In re Ryan B., a Person Coming Under the Juvenile Court Law.
 People v. Ryan B.**

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

E027632* M.G., a minor, et al. v. Time Warner, Inc. et al.

Opinion

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

*CERTIFIED FOR PUBLICATION

**E028292 In re Daniel T., a Person Coming Under the Juvenile Court Law.
 People v. Daniel T.**

Opinion

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

E027213 People v. Shelton Ernie McCutting

Opinion

Judgment affirmed in part; reversed in part with directions.

Ramirez, P.J.

We concur: Hollenhorst, J., McKinster, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
May 31, 2001**

E029058 In re the Marriage of Gayel and Peter Moskowitz

Opinion

Gayel Moskowitz v. Peter Moskowitz

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Gaut, J.